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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

13 In the Matter of the Petition to Revoke Probation  
Against:

14 **RICHARD FRANKLIN GLOVER, JR.**  
15 P.O. Box 50184  
Irvine, CA 92619

16 Registered Nurse License No. 657639

17 Respondent.

Case No. **2005-2**

**PETITION TO REVOKE  
PROBATION**

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Petition to  
22 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
23 Registered Nursing ("Board"), Department of Consumer Affairs.  
24 2. On or about May 16, 2005, the Board issued a probationary license,  
25 Registered Nurse License Number 657639, to Richard Franklin Glover, Jr. ("Respondent"). On  
26 April 4, 2005, pursuant to the Proposed Decision of the Administrative Law Judge adopted by  
27 the Board as its Decision in the administrative action titled *In the Matter of the Statement of*  
28 *Issues Against: Richard Franklin Glover, Jr.*, Case Number 2005-2, the Board ordered that

1 Respondent's application for licensure as a Registered Nurse be granted effective May 4, 2005.  
2 The Board further ordered that upon issuance of the license, the license shall immediately be  
3 revoked, the order of revocation stayed, and Respondent placed on probation for a period of three  
4 (3) years on conditions. Respondent's Registered Nurse license will expire on July 31, 2008,  
5 unless renewed.

6 3. Condition 11 of Respondent's probation states:

7 If a respondent violates the conditions of his probation, the Board after  
8 giving the respondent notice and an opportunity to be heard, may set aside the stay  
9 order and impose the stayed discipline (revocation/suspension) of the respondent's  
10 license.

11 If during the period of probation, an accusation or petition to revoke  
12 probation has been filed against respondent's license or the Attorney General's  
13 Office has been requested to prepare an accusation or petition to revoke probation  
14 against the respondent's license, the probationary period shall automatically be  
15 extended and shall not expire until the accusation or petition has been acted upon  
16 by the Board.

17 4. Grounds exist to revoke Respondent's probation and reimpose the order of  
18 revocation of his Registered Nurse license in that he has violated the conditions of his probation,  
19 as follows:

20 **FIRST CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with the Board's Probation Program)**

22 5. Condition 2 of Respondent's probation states, in pertinent part, that  
23 Respondent shall fully comply with the conditions of the Probation Program established by the  
24 Board and cooperate with representatives of the Board in its monitoring and investigation of the  
25 Respondent's compliance with the Board's Probation Program.

26 6. Respondent's probation is subject to revocation in that he has failed to fully  
27 comply with the conditions of his probation program, as more particularly set forth below.

28 **SECOND CAUSE TO REVOKE PROBATION**

**(Failure to Abstain From Use of Psychotropic (Mood-Altering) Drugs)**

7. Condition 14 of Respondent's probation states, in pertinent part, that  
Respondent shall completely abstain from the possession, injection, or consumption by any route

///

1 of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by  
2 a health care professional legally authorized to do so as part of documented medical treatment.

3 8. Respondent's probation is subject to revocation in that he failed to  
4 completely abstain from the consumption of alcohol by testing positive for alcohol on May 11,  
5 2007, and August 28, 2007.


6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking probation and reimposing the order of revocation of Registered  
10 Nurse License Number 657639, issued to Richard Franklin Glover, Jr.;

11 2. Taking such other and further action as deemed necessary and proper.

12 DATED: 2/27/08

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16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California

21 Complainant  
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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

RICHARD FRANKLIN GLOVER, JR.  
P.O. Box 50184  
Irvine, CA 92619

Respondent.

Case No. 2005-2

OAH No. L200490145

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on May 4, 2005.

IT IS SO ORDERED April 4, 2005.

*Landra L. Erickson*

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President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
against:

RICHARD FRANKLIN GLOVER, JR.  
P.O. Box 50184  
Irvine, CA 92619

Respondent.

Case No. 2005-2

OAH No. L2004090145

**PROPOSED DECISION**

Administrative Law Judge Greer D. Knopf, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on February 1, 2005.

Ronald A. Casino, Deputy Attorney General, California Department of Justice, appeared on behalf of complainant Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

Richard Franklin Glover Jr., respondent, appeared and represented himself at the hearing.

The matter was submitted on February 1, 2005.

**FACTUAL FINDINGS**

1. Statement of issues number 2005-2, dated June 28, 2004, was filed by complainant, Ruth Ann Terry, M.P.H., R.N. ("complainant"), in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California against respondent Richard F. Glover, Jr. ("respondent"). There was no evidence presented that respondent filed a notice of defense; however, the matter was set for hearing and the proceeding herein followed.

2. On January 27, 2003, respondent submitted an application to the Board of Registered Nursing ("the Board") for a license as a registered nurse. In his application,

respondent answered "Yes" to the question, "Have you ever been convicted of any offense other than minor traffic violations?" Respondent attached a letter to his application explaining he had two criminal convictions, one arising out of an arrest in 2000 and another in 2002. The Board denied his application for licensure based on the two criminal convictions. Respondent appealed the Board's denial of his application and thereafter the Board filed the statement of issues herein.

3. On January 22, 2001, in the Orange County Superior Court, case number IR 00HM08641, respondent pleaded guilty to and was convicted of a violation of Vehicle Code section 23152, subdivision (b), driving with blood alcohol of 0.08 percent or more. The court sentenced respondent to three years probation, imposed driver's license restriction, and ordered him to pay fines and complete an alcohol abuse program. Respondent attended the course as ordered by the court and attended six sessions of Alcoholics Anonymous ("AA"). He has completed all terms of his probation and probation has been terminated.

This conviction arose out of respondent's arrest on November 26, 2000. Respondent had been to a dinner party at a friend's house on Thanksgiving. He arrived late for the party after working late and he quickly drank down as much as 12 ounces of wine in about 20 minutes. He ate very little with the wine. The party ended shortly after he arrived so he left and got in his car to drive home. Just after he began driving home, a police officer stopped him because the license plate on respondent's car was missing its registration tag. Once the police officer pulled respondent over, he smelled alcohol on respondent's breath and administered a field sobriety test and then a breathalyzer test. Respondent's blood alcohol was just above the legal limit and he was arrested and charged with driving under the influence (DUI). The police determined respondent's vehicle registration was in fact up to date, but respondent admitted he was driving with a suspended license due to lack of insurance.

4. On July 17, 2002, in Orange County Superior Court, case number SA02CM04679, respondent pleaded guilty to and was convicted of a violation of Penal Code section 647, subdivision (f), public intoxication. The court sentenced respondent to pay a fine. Respondent paid the fine in full and has fully completed this sentence.

This conviction arose out of respondent's arrest on May 20, 2002. Respondent had been at a friend's house socializing, eating dinner and drinking beer and tequila. When he left the friend's home, respondent was not feeling well. He was vomiting and knew he should not be driving. Respondent sat down on the curb next to his car in a parking lot. A police officer arrived on the scene and arrested respondent for public intoxication.

5. Respondent offered evidence of mitigation, extenuation and rehabilitation at the hearing. He recognized after his second conviction for alcohol-related offenses that alcohol was creating a problem for him. He attended the alcohol abuse class ordered by the court and learned to identify what activities in his life were triggering his drinking. He also attended six meetings of Alcoholics Anonymous (AA). Respondent has come to believe he is a social drinker who tended to drink too much alcohol when he was around a certain group of friends. He has stopped socializing with those friends and stopped his social drinking. There is no real

evidence that respondent is an alcoholic, but he decided to stop drinking since it was obviously causing problems in his life.

Respondent should resume and continue attending AA so that he has help with maintaining his sober lifestyle. Respondent seems dedicated to maintaining sobriety and has a good understanding of the destructive influence alcohol had on his life and his future. He is commended for his hard work and determination in making a brighter future for himself and in turn, perhaps for his children, too.

Respondent impressed this court as a hard working, sincere individual. He truthfully and fully disclosed his convictions to the Board when he submitted his application for licensure. The administrative court found respondent to be extremely impressive and very credible in his testimony at the hearing. Respondent is remorseful for his criminal acts involving alcohol and he is now determined to living a law-abiding and productive lifestyle. Respondent fully accepts responsibility for his wrongdoing and seems to have learned an important life lesson from the experience. Respondent acknowledged he made mistakes and he has learned from those mistakes. Respondent should be afforded a second chance. It would not be against the public interest to allow respondent to be granted a nursing license subject to strict terms and conditions of probation. Respondent does not seem to represent a threat to the public, as long as he has strict supervision under probation.

### LEGAL CONCLUSIONS

1. Cause exists to deny respondent's application for licensure as a registered nurse pursuant to Business and Professions Code section 480, subdivisions (a)(1) and (3), sections 2736 and 2761, subdivisions (a) and (f) in that respondent was convicted of crimes that are substantially related to the qualifications, functions and duties of a registered nurse, as set forth in Findings 2, 3, 4, and 5.

2. Cause exists to deny respondent's application for licensure as a registered nurse pursuant to Business and Professional Code section 480, subdivision (a)(3), sections 2736 and 2761, subdivision (a), and 2762, subdivision (b) in that respondent used alcoholic beverages on November 26, 2000 to an extent and in a manner dangerous or injurious to himself, any other person, and the public as set forth in Findings 2, 3, and 5. There was insufficient evidence presented to establish that respondent's use of alcohol on May 20, 2002 constituted the use of alcohol to the same extent.

3. However, in light of the evidence of extenuation and rehabilitation, it would not be against the public interest to allow respondent to work as a registered nurse subject to strict conditions of probation, as set forth in Finding 5.

## ORDER

The application of respondent Richard F. Glover, Jr. for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of three (3) years on the following conditions:

### SEVERABILITY CLAUSE –

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.



Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE - Respondent, at his own expense, shall enroll and successfully complete a course relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course. Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course. The Board shall return the original documents to respondent after photocopying them for its records.

(11) VIOLATION OF PROBATION - If a respondent violates the conditions of his probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(12) LICENSE SURRENDER - During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of

the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- 1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- 2) One year for a license surrendered for a mental or physical illness.

(13) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(14) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs,

controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

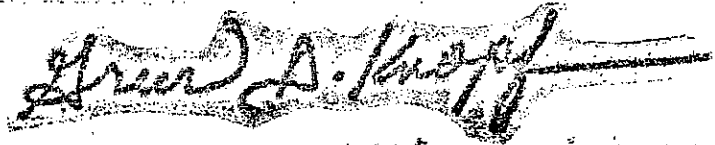
(15) SUBMIT TO TESTS AND SAMPLES - Respondent, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

DATED: 2/24/05

A handwritten signature in dark ink, appearing to read "Greer D. Knopf", with a horizontal line extending from the end of the signature.

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GREER D. KNOPF  
Administrative Law Judge  
Office of Administrative Hearings

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of the State of California  
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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Statement of Issues Against:

Case No. 2005-2

14 RICHARD F. GLOVER, JR.  
P.O. Box 50184  
15 Irvine, CA 92619

**STATEMENT OF ISSUES**

16 Respondent.  
17

18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of  
21 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs ("Board").

23 2. On or about February 1, 2003, the Board received an application for  
24 licensure from RICHARD F. GLOVER, JR. ("Respondent"). On or about January 27, 2003,  
25 Glover certified under penalty of perjury that the information contained in the application was  
26 true and correct.

27 STATUTORY PROVISIONS

28 3. Business and Professions Code ("Code") section 480(a)(1) provides, in

pertinent part, that the Board may deny a license regulated by the Code for a conviction of a crime substantially related to the qualifications, functions, or duties of the profession for which application is made.

4. Code section 480(a)(3) provides that the Board may deny a license regulated by the Code for any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of the license.

5. Code section 490 provides, in pertinent part, that the Board may suspend or revoke a license for a conviction of a crime substantially related to the qualifications, functions, or duties of the profession for which the license was issued.

6. Code section 2736(a)(3) provides that an applicant for licensure as a registered nurse shall comply with the requirement that he not be subject to denial of licensure under section 480.

7. Code section 2761(a) provides, in pertinent part, that the Board may discipline a licensed nurse or deny an application for licensure for unprofessional conduct.

8. Code section 2761(f) provides, in pertinent part, that unprofessional conduct includes the conviction of any offense substantially related to the qualifications, functions, and duties of a registered nurse.

9. Code section 2762(b) provides, in pertinent part, that it is unprofessional conduct to use alcoholic beverages to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

FIRST CAUSE FOR DENIAL

(Substantially Related Criminal Conviction)

10. Respondent's application is subject to denial under Code sections 480(a)(1), 480(a)(3), 2736(a)(3), 2761(a) and 2761(f) in that on or about January 22, 2001, in Orange County Superior Court, Case Number IR 00HM08641, respondent was convicted by his plea of guilty of a violation of Vehicle Code section 23152(b) (driving with blood alcohol of .08% or more). Respondent was sentenced to three (3) years informal probation. The terms of



1 said probation included driver's license restrictions, fines, and an alcohol program.

2 11. The circumstances surrounding the offense are as follows: on or about  
3 November 26, 2000, respondent drove a vehicle while having a blood alcohol level of .08 percent  
4 or more by weight of alcohol.

5 SECOND CAUSE FOR DENIAL

6 (Improper Use of Alcoholic Beverages)

7 12. Respondent's application is subject to denial under Code sections  
8 480(a)(3), 2736(a)(3), 2761(a) and 2762(b) in that on or about November 26, 2000, respondent  
9 used alcoholic beverages to an extent and in a manner dangerous or injurious to himself, any  
10 other person, and the public, as set forth in paragraph 11 above.

11 THIRD CAUSE FOR DENIAL

12 (Substantially Related Criminal Conviction)

13 13. Respondent's application is subject to denial under Code sections  
14 480(a)(1), 480(a)(3), 2736(a)(3), 2761(a) and 2761(f) in that on or about July 17, 2002, in Orange  
15 County Superior Court, Case Number SA02CM04679, respondent was convicted by his plea of  
16 guilty of a violation of Penal Code section 647(f) (public intoxication). Respondent was  
17 sentenced to pay fines and penalty assessments.

18 14. The circumstances surrounding the offense are as follows: on or about  
19 May 20, 2002, respondent was in a public place while under the influence of intoxicating liquor.

20 FOURTH CAUSE FOR DENIAL

21 (Improper Use of Alcoholic Beverages)


22 15. Respondent's application is subject to denial under Code sections  
23 480(a)(3), 2736(a)(3), 2761(a) and 2762(b) in that on or about May 20, 2002, respondent used  
24 alcoholic beverages to an extent and in a manner dangerous or injurious to himself, any other  
25 person, and the public, as set forth in paragraph 14 above.

26 PRAAYER

27 WHEREFORE, Complainant requests that a hearing be held and that following  
28 the hearing, the Board issue a decision:

1. Denying the application of RICHARD F. GLOVER, JR. for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/28/04.

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SD2003800332

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